

**PIONEER HI-BRED INTERNATIONAL, INC.**  
**CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

**FAX TRANSMISSION**

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DEC 17 2002

GROUP 1600

TO: Assistant Commissioner for Patents  
FROM: Louise Foutch *LF*  
RE: Our Docket No. 1306 – Serial No. 10/039,836  
DATE: 12-16-02 FAX NUMBER: 703-872-9306

NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 4

**COMMENTS:**

- Attached please find the following documents for filing with the Patent Office:
1. Transmittal – Response to Restriction Requirement
  2. Response to Restriction Requirement

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## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Transmittal-Response to Restriction Requirement was transmitted via facsimile transmission to the Assistant Commissioner for Patents, via facsimile number (703) 872-9306, on this 16th day of December, 2002.

*Louise A. Foutch*  
Louise A. Foutch

*12/16/02*  
Date

Docket No. 1306

Confirmation No: 9340

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Crane V. &amp; Simmons C.

Date: December 16, 2002

Serial No.: 10/039,836

Group Art Unit: 1638

Filed: October 23, 2001

Examiner: Kubelik, Anne R.

For: "MAIZE PROTEINASE INHIBITOR-LIKE POLYNUCLEOTIDES AND METHODS OF USE"

Assistant Commissioner for Patents  
Washington, D.C. 20231TRANSMITTAL-RESPONSE TO RESTRICTION REQUIREMENT

Attached hereto is a Response to Restriction Requirement mailed December 4, 2002.

Although there should be no fees associated with this document the Commissioner is hereby authorized to charge any processing fees associated with this document, or to credit any overpayment, to Deposit Account 16-1852.

Respectfully submitted,

*Louise A. Foutch*  
Louise A. Foutch

Registration No. 37,133

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*Louise A. Foutch*  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

This is in response to the Office Action mailed December 4, 2002, in which the Examiner has required restriction to one of the following inventions:

- I. Claim 1, drawn to a protein, classified in class 530, subclass 300.
- II. Claims 2-6 and 8-17, drawn to a nucleic acid encoding SEQ ID NO:2, constructs and vectors comprising that nucleic acid, cells and plants transformed with the nucleic acid, a method of using the nucleic acid to

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- modulate disease resistance in a plant and a method of using it to modulate the level of a protein in a plant, classified in class 800, subclass 301.
- III. Claim 7, drawn to a DNA construct comprising a nucleic acid encoding SEQ ID NO: 2 operably linked to a promoter of SEQ ID NO:3, classified in class 435, subclass 320.1.
- IV. Claims 18-24, drawn to a promoter of SEQ ID NO:3, constructs and vectors comprising that promoter, cells transformed with the vector, and a method of using the promoter to regulate the expression of a nucleic acid in a plant, classified in class 536, subclass 24.1.

Applicants hereby provisionally elects without traverse to prosecute the claims of Group IV, claims 18-24, drawn to a promoter of SEQ ID NO:3, constructs and vectors comprising that promoter, cells transformed with the vector, and a method of using the promoter to regulate the expression of a nucleic acid in a plant, classified in class 536, subclass 24.1, and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Applicants acknowledge entry of the amendments to the claims filed on September 26, 2002. Applicants will amend the specification in accordance with 37 C.F.R. §1.121 in response to the First Office Action on the merits.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned attorney so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required beyond those, which may be otherwise provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §

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1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit  
Account No. 16-1852.

Respectfully submitted,

*Louise A. Foutch*  
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Registration No. 37,133

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